

CITY OF ALAMO HEIGHTS
CITY COUNCIL
May 26, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Tuesday, May 26, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Bill Kiel
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilman Jill Souter
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
Assistant City Manager/Public Works Director Shawn P. Eddy
City Attorney Mike Brennan
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper opened the meeting at 5:37 p.m.

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Mayor Cooper announced that Item # 6 would be considered after Item # 2. Mayor Cooper also announced that Item # 17 would be considered after Item # 7.

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City Secretary Jennifer Reyna presented Certificates of Election and administered the Oaths of Office to Council Members who were unopposed in the May 9, 2009 General Election, as follows:

- Louis Cooper is declared elected Mayor
- Stan McCormick is declared elected Council Member, Place One
- Bobby Rosenthal is declared elected Council Member, Place Two

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Finance Director Cynthia Barr presented the Mayor and each Council Member with their annual compensation in the form of newly released 2009 one-dollar (\$1) Presidential Coins for performance of their official duties.

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Mayor Cooper provided information on the election process for selecting a Mayor Pro-Tempore.

A motion was made by Councilman McCormick to name Councilman Bill Kiel as the Mayor Pro-Tempore for a one-year term. Motion was seconded by Councilwoman Jill Souter and passed by unanimous vote.

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Time Certain – 5: 30 p.m.

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1826

AN ORDINANCE ADOPTING A CITY OF ALAMO HEIGHTS COMPREHENSIVE PLAN

Community Development Director Ann McGlone presented the proposed City of Alamo Heights Comprehensive Plan. The Comprehensive Plan is a collective vision of the future, by the citizens and for the citizens. The purpose of the plan is to provide guidance and direction to City Council and City staff. The plan will inform on zoning, capital expenditures, regulations and policy for the next 15 years. Staff recommended approval.

There were four vision statements that were developed for the Comprehensive Plan. The plan addressed public realm and great streets, private realm, open space and green space, commercial corridor zone, single-family residential zone, walkability/connectivity, preservation of resources, economic sustainability, infrastructure, and creating community.

In the fall of 2008, public input was gathered at neighborhood meetings. A community design workshop was held in January 2009, and a design charrette with local architects was held in March 2009.

The following citizens spoke on this matter:

Margaret Houston, 140 Patterson Avenue, congratulated Ms. McGlone and everyone that assisted in the production of the Comprehensive Plan, a plan that collected the ideas of the

residents. Ms. Houston recalled Councilwoman Souter advocating for a Comprehensive Plan early on in her political career.

Stephen Souter, 350 Wildrose Avenue, congratulated City Council, City staff and residents on this accomplishment. Mr. Souter observed the high attendance at the community meetings and the participation of the citizens. Mr. Souter acknowledged that Ms. McGlone incorporated her knowledge, resources from the community and a National Planning Consultant to develop the plan.

Harper Huddleston, Commerical property owner and River North Tax Increment Reinvestment Zone (TIRZ) Board Member, agreed on the idea of narrowing Broadway Street to transition into a more pedestrian friendly street. Mr. Huddleston shared that the narrowing of streets of the River North project are similar and will hopefully complement the idea outlined in the Comprehensive Plan.

Suzanne Bettac, 126 Rosemary Avenue, expressed that the Comprehensive Plan maintains the character of the city, supports city growth, allows Downtown to be more inviting and will help attract additional businesses. The Comprehensive Plan had great community input which helped make this accomplishment remarkable.

Lissa Martinez, 700 Alta Avenue, commented that residents should celebrate this achievement. Ms. Martinez recommended that the purchase of Olmos Basin Park be removed from the Comprehensive Plan because of the timing and the possible creation of a large protest. Ms. Martinez encouraged the City to work with the new City of San Antonio officials to remedy the present deficiency in the public park areas.

John Joseph, 206 Joliet Avenue, President, Alamo Heights Neighborhood Association, complimented Ms. McGlone and City staff on an innovative vision for the future. He noted that Ms. McGlone reached out to the public to get their ideas on how to make Alamo Heights a better place to live.

Rick Archer, 410 Encino, Partner, Overland Partners, commented that the process was a highly public process. Mr. Archer provided professional input to the Comprehensive Plan. Mr. Archer stated that the Comprehensive Plan will make a tremendous difference to families and businesses.

John Hertz, 316 Harrison Avenue, congratulated the citizens of Alamo Heights for their participation in the creation of a document that will transform the City. Mr. Hertz stated that the Comprehensive Plan will enable City Councilmembers to be stewards for the future development of Alamo Heights.

John Grable, 208 Wildrose Avenue, noted that this initiative was a collective effort and it demonstrated that City leaders are looking ahead. Mr. Grable thanked Ms. McGlone and commented on a positive vision for the community.

Madison Smith, 132 East OakView Place, supported the passing of the Comprehensive Plan and looks forward to the plan being implemented.

Councilwoman Souter congratulated Ms. McGlone for her leadership and the citizens for taking the time to participate. Councilwoman Souter appreciated the early hard work that Overland Partners and Cappy Lawton provided. Councilwoman Souter expressed that she has always been a strong supporter of the Comprehensive Plan. The Comprehensive Plan will guide staff and the City Council. Councilwoman Souter stated that because of her involvement in the Texas Municipal League (TML), she understood the positive effects and the benefits a comprehensive plan provides. Councilwoman Souter mentioned that the Comprehensive Plan will be implemented over a period of time, through a public process and, as we move forward, residents will be aware of the common vision. Councilwoman Souter acknowledged City Manager Rebecca Waldman for her leadership, foresight and her recognition that a comprehensive plan was needed. Councilwoman Souter again thanked the citizens and the professionals that provided their dedication and time.

Councilman McCormick referenced the proposed ordinance and pointed out that the ordinance recognized the Planning and Zoning's motion and was sensitive to the fact that this is a living document subject to modification by citizens, City Council, and staff input. Councilman McCormick noted that additional citizen input will be required before finalizing specific parts of the plan and before any funding.

Positive comments were expressed from the City Council. Councilman Bobby Rosenthal congratulated City staff and stated that the plan will be governed by future City Councils and serve as a roadmap for the future. He emphasized that some projects will be completed quickly and others may take years. Councilwoman Susan Harwell also thanked City staff on the development of the Comprehensive Plan and collaboration with appropriate political entities to ensure future projects. Councilwoman Harwell appreciated the citizens' participation. Councilwoman Harwell stated that the City of Alamo Heights community focuses on the children and it would be ideal to interface with the Alamo Heights Independent School District Strategic Plan to promote the community. Councilwoman Harwell reflected on a previous attempt to develop a Comprehensive Plan that dated as far back as 1997. Mayor Cooper commented that after serving many years on the City Council, he is happy to finally see a Comprehensive Plan document, adding that this is the people's document. Councilman McCormick added that the Comprehensive Plan will send a message to new residents and developers that the City of Alamo Heights is a special place.

Mayor Pro Tem Kiel stated that the Comprehensive Plan will be reviewed on an annual basis to identify needs. Mayor Pro Tem Kiel recalled a time when demolition, development, and neighborhood conservation districts were concerns for the city. At that time Mayor Pro Tem Kiel and Councilwoman Souter met with citizens about neighborhood conservation districts. Many of the same ideas from those meetings were ideas reflected in the Comprehensive Plan. Mayor Pro Tem Kiel referenced Lissa Martinez' comment on the Olmos Basin Park. He does not believe the City needs to purchase the land, however, Alamo Heights may play a role to improve the usability of the park for everyone.

A motion for approval was made by Councilwoman Souter. The motion was seconded by Councilman McCormick and passed by unanimous vote.

Mayor Cooper requested that a copy of this ordinance be sent to previous Mayors.

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Mayor Cooper asked City Council for any corrections to the minutes of the May 8, 2009, Work Session Meeting. A motion was made by Councilwoman Harwell to approve the minutes of May 8, 2009 as amended. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

Mayor Cooper asked City Council for any corrections to the minutes of the May 11, 2009, City Council Meeting. A motion was made by Councilman McCormick to approve the minutes of May 11, 2009 as amended. The motion was seconded by Councilman Bobby Rosenthal and passed by unanimous vote.

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Mayor Cooper announced that the request for a demolition permit for a one-story garage at 426 Alamo Heights Boulevard was posted and noticed for consideration today. The item was not included in tonight's agenda and would not be considered until the June 8, 2009 City Council Meeting. Mayor Cooper apologized for any inconvenience.

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Item # 5 City Manager's Report

**a. Update on TCEQ exemption for proximity of water and sewer lines –
Shawn P. Eddy, Assistant City Manager/Public Works Director**

Assistant City Manager/Public Works Director Shawn Eddy provided an update on the meeting with the Texas Commission on Environmental Quality (TCEQ) in Austin. The meeting attendees included Mayor Louis Cooper, Councilmember Susan Harwell, Gene Dawson, Jr., President of Pape-Dawson Engineering, Charles Kucherka and Mike Nichols representing Freese and Nichols, Inc. and Shawn Eddy. The meeting was scheduled to request an amended exception.

TCEQ expressed willingness to consider an amended exception and allow the City of Alamo Heights to address the issues within a flexible timeframe. An amended exception will be submitted. Freese and Nichols is preparing an amendment to the exception for submittal to the TCEQ.

Mayor Cooper stated that TCEQ requested that the City prioritize the relocation of any water line in question if a bacteriological test comes back positive. Mayor Cooper stated that the

City agreed to TCEQ's request and confirmed that it is an existing protocol to take immediate action if such tests ever come back positive.

Mr. Eddy informed the Councilmembers that other possible options of addressing the proximity issues may be through the relocation of water mains or the implementation of the 4/2 proximity rule, where minimum distances may be achieved.

Councilwoman Souter asked if any special piping or sleaving is still an option for the situation in the alleys as well as future advances in water piping technology. Mr. Eddy responded that earlier TCEQ stated that sleaving was not initially an option however, TCEQ has now indicated that it might consider sleaving in limited areas through an additional exception. The City informed TCEQ of the proposed replacement of a sewer main in N. New Braunfels Avenue and the City will be working with San Antonio Water System (SAWS) to explore additional ways to maintain the water and sewer lines within the alleys.

The City did not commit to a specific time frame for addressing the proximity issues at the meeting with TCEQ staff. Mayor Cooper stated that the 20-year street maintenance plan was mentioned, TCEQ acknowledged the plan, but no commitment on timing was further discussed. Mayor Cooper shared that TCEQ staff stated that they did not want to inflict hardship on small cities.

The Councilmembers were pleased with the positive outcome of this meeting. Mayor Pro Tem Kiel complimented Mayor Cooper, Councilwoman Harwell, Gene Dawson, Jr., Freese and Nichols staff and City staff on the outcome of this meeting. Mayor Pro Tem Kiel shared that what worked in our favor was taking the initiative to solve this issue. Mayor Cooper shared that TCEQ is willing to work with the City because of the openness that Freese and Nichols showed upon discovery of the issues.

Councilman McCormick and Mayor Cooper acknowledged that Mr. Dawson needed to be thanked for his assistance on a pro bono basis.

b. Briefing on the status of temporary parking permits at 200 Patterson Avenue – Ann McGlone, Community Development Director

Ms. McGlone provided a briefing on the temporary parking permits for 200 Patterson Avenue. Ms. McGlone had informed the Neighborhood Character & Commercial Revitalization Committee of the granting of temporary parking permits and wanted to inform the remaining City Council.

The illegal parking at the vacant lot was reported to Ms. McGlone via phone calls from residents and observations by City staff. Ms. McGlone confirmed that there was illegal parking at the site. After meeting with management from 200 Patterson, Ms. McGlone granted temporary parking permits due to construction and repairs of two collapsed sewer lines. Due to an immediate need for parking, Ms. McGlone stated that she granted parking permits to allow

temporary parking until June 3, 2009. A parking extension has been requested due to the recent rain received and the request will be considered.

A parking management scheme is also being considered to address the long term parking issues. Councilman McCormick asked if there were any special hours to adhere to. Ms. McGlone stated that an existing ordinance addresses the hours, not to start work until 8 a.m. but allowed on site at 7:00 a.m. and must end work by 5:00 p.m. and off the site by 6:00 p.m.

Ms. McGlone acknowledged that the parking issue has come up a few times since the fall of 2008. The sewer outages were just discovered recently.

Margaret Houston, 140 Patterson Avenue, asked Ms. McGlone what investigations were done such as environmental, water quality or land use were conducted prior to granting the temporary parking permits. Ms. Houston also asked about the restoration of this field and if fill dirt is brought in what are the effects. Ms. Houston also expressed concern about the rights of the adjacent land owners.

Ms. McGlone responded that as the Community Development Director she believed that the parking issue associated with sewer construction created a condition that needed to be addressed immediately. Due to the temporary nature of the parking, no environmental investigations were made. Ms. McGlone stated that the field will be repaired and the grass restored as conditions of the permit. Other long term parking solutions for 200 Patterson will need to be addressed in the future and will not include permanent parking on this site without a zoning change. Ms. McGlone noted that a load of pea gravel is currently on site but the City has told them to remove the gravel. Ms. McGlone confirmed that no evidence of oil or antifreeze was found at the site.

Claire Golden, 406 Patterson Avenue, shared a personal experience with refurbishing sewer lines on her yard. During that time, Ms. Golden lost plantings due to traffic and vehicles. Ms. Golden recalled that a large oak tree died nearby at the 200 Patterson site and the City needs to be prepared to protect the trees at the site.

Ms. McGlone will inform the City Building Inspector to observe the trees on site and at the temporary parking site.

John Grable, 208 Wildrose Avenue, thanked Ms. McGlone for executing temporary parking permits in the floodway. Mr. Grable encouraged the City to work with the building manager to utilize the streets that have the ability to control storm sewer.

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Mayor Cooper announced that Item # 8, Citizens to be Heard will be considered next.

Citizens To Be Heard Concerning Non-Agenda Items

Thomas P. Ball, 139 Corona Avenue, expressed concern on the bidding and selection process for the Construction Manager-At-Risk for the new city facilities. Mr. Ball was disappointed that the grading criteria eliminated two local businesses. Mr. Ball encouraged the City to adopt a more local friendly approach to maintain hometown support.

Margaret Spencer, 140 Patterson Avenue, asked about the budget of the Comprehensive Plan. Ms. Spencer asked if water is captured from the flushing of fire hydrants and if the water is reused.

Mayor Pro Tem Kiel responded to Ms. Spencer that individual projects will go to the appropriate Boards and Commissions, to the public for public hearings and City Council for approval (the normal budget cycle). There is not a separate budget for the Comprehensive Plan. The Comprehensive Plan is a vision and a guideline. Mr. Eddy responded to Ms. Spencer that the water is not captured or reused from the flushing of fire hydrants.

Patricia Evans, 140 Patterson Avenue, asked if a sleeve goes external or internal on the pipe and is it necessary to do both water and sewer lines. Ms. Evans also inquired on the frequency that bacterial samples are done.

Mr. Eddy responded that sleaving is generally external but also may be internal. Mr. Eddy responded that it depends on the situation if sleaving is allowed for water and sewer lines. Mr. Eddy emphasized that sleaving is a potential exception. Random bacterial testing is done on a monthly basis at 16 sites out of the 20 sites and then submitted to a laboratory for testing.

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Time Certain – 6:00 p.m.

Item # 7 Consideration of financing options and declaration of preferred financing plan for construction of new City Hall/Police Station and Fire Station

Assistant City Manager/Public Works Director Shawn P. Eddy presented a PowerPoint presentation that provided the financial options available to fund the construction of new municipal facilities; which are General Obligation bonds or Certificates of Obligation.

Mr. Eddy compared the requirements for each of the funding options and presented proposed timelines. General Obligations Bonds allow the citizens to vote on this project as one single item on the ballot and an election on November 3, 2009 would need to be called no later than September 2, 2009. General Obligations bonds are viewed as the City's most secure obligation and would be sold in January 2010 and funds would be received on or about February 24, 2010. Certificates of Obligation do not require an election, but a petition signed by 5% of the eligible voters could force an election. Certificates of Obligation would require approval of a resolution by June 22, 2009. If approved without an election, Certificates of Obligation would be sold in August 2009 and funds be received on or about September 24, 2009. Councilman Rosenthal stated that at the work session there was discussion that General Obligations Bonds would be in the best interest of the City because it allows the citizens to vote and make a

decision on this important project. General Obligations Bonds also provide additional time for cost estimates and design development.

Tours of the city facilities for residents were discussed. Mr. Eddy stated that a virtual tour on the City's website is being proposed.

The City Council were in agreement that staff should continue with the process to design the City Hall Complex and that the financing for the construction would potentially be General Obligation Bonds approved through an election by the citizens of Alamo Heights. Mr. Eddy also noted that he would schedule a June 22nd Work Session and cancel the June 15th Work Session.

John Grable, 208 Wildrose Avenue, shared positive comments about the May 18th Work Session and complimented the architect's use of the site. Mr. Grable also complimented the plan to maintain the "tin man" water tower which he believes is a historical marker for the community. Mr. Grable stated that he believed the design of the facilities to be consistent with the character of the neighborhood.

A motion for approval was made by Councilwoman Souter. The motion was seconded by Mayor Pro Tem Kiel and passed by unanimous vote.

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Mayor Cooper announced that Item # 17 would be considered next.

Item # 17 Mayor Cooper read the following caption.

ORDINANCE NO. 1827

AN ORDINANCE DECLARING THAT THE EXPANSION OF THE CITY OF ALAMO HEIGHTS ("THE CITY") MUNICIPAL FACILITIES, INCLUDING PARKING, MUNICIPAL OFFICES, STORAGE AREAS, AND OTHER MUNICIPAL IMPROVEMENTS, IS A NECESSARY PUBLIC PROJECT ("THE PROJECT"); FURTHER DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF FEE SIMPLE TITLE AND OTHER NECESSARY OR DESIRABLE PROPERTY RIGHTS TO CERTAIN PRIVATELY OWNED REAL PROPERTY FOR USE AS PART OF THE PROJECT, COMMONLY KNOWN AS 223 HENDERSON, ALAMO HEIGHTS, TEXAS 78209, AND MORE SPECIFICALLY DEFINED HEREINBELOW ("THE PROPERTY"); AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY ACTING BY AND THROUGH STAFF TO ACQUIRE THE PROPERTY BY NEGOTIATION OR CONDEMNATION, IF NECESSARY; FURTHER AUTHORIZING THE CITY'S AUTHORIZED ATTORNEYS TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH

CONDEMNATION PROCEEDINGS THROUGH FINAL JUDGMENT AND ALL NECESSARY APPEALS; ESTABLISHING MEANS FOR ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; AUTHORIZING NEGOTIATIONS AND ACQUISITION ON THE APPROVED TERMS; THE PROPERTY TO BE ACQUIRED IS

LOTS 15 AND 16, BLOCK 78, MONTCLAIR SUBDIVISION, IN THE CITY OF ALAMO HEIGHTS, BEXAR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED THEREOF IN VOLUME 105, PAGE 4 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, SAID PROPERTY ALSO COMMONLY KNOWN AS 223 HENDERSON, ALAMO HEIGHTS, TEXAS 78209 ("THE PROPERTY")

Mr. Eddy summarized that the declaration of public necessity to acquire property at 223 Henderson will provide adequate number of parking spaces to support the master site plan for the city facilities. In the event that the project is not approved, the property must be utilized for another named purposes and may include potential uses of municipal offices, storage areas and other municipal improvements.

Councilwoman Souter received feedback from residents expressing concern on the language of the ordinance which included potential uses of municipal offices, storage areas, and other municipal improvements. Councilwoman Souter reiterated that the language in the ordinance is necessary to allow the current City-owned Henderson properties to be utilized if the election fails.

This action would authorize staff to take all appropriate action to acquire the property by negotiation or condemnation, if necessary. Mr. Eddy informed City Council that the property owner's attorney stated that his client is acquiring an appraisal to negotiate a settlement acceptable to both parties.

The following citizens spoke on this matter:

Barbara Schulte, 110 Henderson Street, attended a meeting last week where the architects displayed the proposed city facilities plan, which included demolition of the three houses located on Henderson Street to be utilized as a parking lot. Ms. Schulte requested the plan to remain the same and be utilized as a parking only and that garbage or maintenance vehicles not utilize the parking lot. Ms. Schulte requested confirmation in writing that the city will comply with the proposed plan. Ms. Schulte feared that, in the future, neighboring houses will be considered for additional parking.

Councilwoman Souter responded to Ms. Schulte that requests will be considered and coordination will continue with the adjacent residents. Mayor Pro Tem Kiel responded to Ms. Schulte that a special use permit may be considered to provide peace of mind to adjacent homeowners.

Councilwoman Harwell stated that this is a difficult decision but the safety and best interest of the residents are being considered. Councilman McCormick stated that other sites were considered for a city hall or separating city facilities.

Tina Smith, 131 Blue Bonnet Boulevard, requested that the Councilmembers continue to meet with the nearby residents to provide updates.

John Hertz, 316 Harrison Avenue, stated that the City needed to reconsider this action. Mr. Hertz stated that a parking lot is not an attractive site in exchange for the demolition of homes.

Margaret Spencer, 140 Patterson Avenue, asked if the City has acquired property by eminent domain proceedings in the past. Ms. Spencer stated that Council Chambers is viewed as a historical building and the City should exercise preservation.

City Attorney Mike Brennan stated that eminent domain proceedings have not been enacted in the past by City of Alamo Heights because negotiations for the purchase of property has always been successful.

A motion for approval was made by Councilman Rosenthal. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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Mayor Cooper announced that Consent items will be next on the agenda.

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Consent Items

Item # 9 Mayor Cooper read the following captions.

ORDINANCE NO. 1828

AN ORDINANCE AUTHORIZING A ONE (1) YEAR LEASE CONTRACT WITH AUTOMATIC RENEWALS BETWEEN THE CITY AND THE ALAMO HEIGHTS OPTIMIST CLUB FOR THE SALE OF CHRISTMAS TREES, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE LAND MAY BE USED, AND PROVIDING FOR EARLY TERMINATION UNDER CERTAIN CONDITIONS

Item # 10 Request for permission to refund a duplicate or erroneous property tax payment to Lambeth Building Co., owners of property at 225 Grant Avenue, in the amount \$959.95

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| <i>Item # 11</i> | Request for permission to refund a duplicate or erroneous property tax payment to Wells Fargo Home Mortgage on behalf of, owners of property at 320 Kampmann Avenue, in the amount \$1,515.80 |
| <i>Item # 12</i> | Request for permission to refund a duplicate or erroneous property tax payment to GMAC on half of, owners of property at 435 Abiso Avenue, in the amount \$1,006.89 |

Councilwoman Harwell asked what was different on the contract for Item # 9 and she expressed concern if there are additional uses for the property outlined in the Comprehensive Plan. Assistant City Manager/Information Technology Manager Marian Ramirez stated that the contract is renewed annually and presentation to City Council is not needed. Ms. Ramirez stated that specific language was added regarding early termination of the contract by the City to provide compensation to the Alamo Heights Optimist Club for ordered trees.

Staff recommendation was approval of each consent item. A motion for approval was made by Councilwoman Souter to approve consent items. The motion was seconded by Mayor Pro Tem Kiel and passed by unanimous vote.

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Mayor Cooper announced that Items for Individual Consideration items would be considered.

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Items for Individual Consideration

- Item # 13* **Presentation of FY 2008 Strategic Action Plan Accomplishments and the proposed FY 2010 Strategic Action Plan**
- a. Adoption of the FY 2010 Strategic Action Plan**
- b. Approval of the Mayor's nominations to Council Committee Appointments**

City Manager Rebecca Waldman provided background information on the work session that was held on Wednesday, April 15th. Ms. Waldman stated that FY 2010 Strategic Action Plan is being considered to coordinate with the upcoming budget document. Staff recommended approval.

Ms. Waldman summarized the FY 2008 accomplished goals that were under the direction of the City Council committees. Ms. Waldman stated that FY 2009 Action Plan will be presented at the end of the fiscal year due to the change of the fiscal year. Ms. Waldman summarized the FY 2010 action steps overseen by appropriate City Council committees.

Ms. Waldman noted that the respective FY 2010 goals for the Neighborhood Character and Commercial Revitalization Committee's goals are outlined also in the Comprehensive Plan.

The Mayor's nominations to City Council Committee appointments remained the same.

A motion for approval was made by Councilman Rosenthal to adopt the FY 2010 Strategic Action Plan and approval of the Mayor's nominations to City Council Committee Appointments. The motion was seconded by Mayor Pro Tem Kiel and passed by unanimous vote.

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Item # 14 Mayor Cooper read the following caption.

ORDINANCE NO. 1829

AN ORDINANCE AUTHORIZING A COLLECTION FEE IN THE AMOUNT OF THIRTY PERCENT (30%) OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID UTILITY CHARGES AND FIRE/EMS CHARGES

Assistant to City Manager/Information Technology Manager Marian V. Ramirez provided background information on the utility billing system and the ability to terminate utility services. Ms. Ramirez also provided background information on delinquent Fire/EMS invoices and the current collection process. Staff recommended approval.

Ms. Ramirez reported the proposed collection process and imposing a 30% collection fee. Included in Ms. Ramirez' PowerPoint presentation, a demographic chart displaying the number of delinquent Fire and EMS accounts and past due fees totalling \$251,757.00.

A collection fee to be paid by the delinquent account holders is being considered so that the total cost of the services provided by the City of Alamo Heights can be recouped. Councilman McCormick asked why the city's taxes do not cover the cost. Councilman Kiel noted that majority of the delinquent Fire and EMS account holders are San Antonio residents and a collection fee enables the municipality recover costs.

Fire Chief Bill Hagendorf explained the adopted billable fees that Fire and EMS charge. Pertaining to the Fire department, it involves Fire false alarms for residential and commercial customers and HazMat fees for cleaning up after automobile accidents and water rescue fees. Pertaining to the EMS department, it involves basic and advanced life support fees, certain consumables and allowable insurance charges for medications and other services.

Mayor Pro Tem Kiel asked about the estimated billable amount for this year. Fire Chief Hagendorf replied that approximately \$325,000 is billable and \$180,000 - \$185,000 is projected to be generated as revenue. Fire Chief Bill Hagendorf aims at a 70% collection to keep tax rates down and to provide the best service to the citizens.

Councilwoman Harwell asked if water rescue fees are ever charged. Fire Chief Bill Hagendorf replied that if barrier tape or barricades are in place provided, a water rescue will be charged. Fire Chief Bill Hagendorf noted that if there are numerous calls during a time period, they are unable to track the water rescue charge due to calls waiting and safety being the priority. Councilwoman Harwell questioned who handles the collection. Fire Chief Bill Hagendorf responded that Administrative Assistant Sabrina Rehome currently handles the billing and collection process.

There was discussion among the Council members about whether ample time is provided to make payment arrangements. Fire Chief Bill Hagendorf stated that other agencies impose a 50% collection fee, and tonight's recommendation is reasonable.

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilman Harwell and passed by unanimous vote.

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Item # 15 Mayor Cooper read the following caption.

ORDINANCE NO. 1830

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH BRAZOS TECHNOLOGY CORPORATION FOR THE PURCHASE OF ELECTRONIC TICKET WRITERS, SOFTWARE LICENSE AND SOFTWARE MAINTENANCE

Police Chief Rick Pruitt referenced that new technology is considered to meet the demands of a Police officer. Chief Pruitt introduced Police Sergeant Dennis Kelley. Sgt. Kelley made a PowerPoint presentation that included background information, hardware devices, software application, reporting features and vendor history. Staff recommended approval.

Sgt. Kelley reviewed the bidding process on the Request For Proposal (RFP). Sgt. Kelly stated the hardware device is a Motorola MC75 hand-held device with QWERTY keyboard, ruggedized, LCD color touch screen along with a color camera and is technology friendly. The hand held device has capabilities to scan driver's licenses, student IDs, military IDs and other forms of identification.

Once a citation is entered on the hand-held device, the citation information is sent electronically to Court and the Police Records Management System when the device is returned to the docking station at the police department. A web-based citation entry system is also available to enter citations that were issued on the current paper forms. The software application allows Police officers to enter notes and the ability to create customized reports. Sgt. Kelley explained the reporting features of the hand held e-ticket writers.

Councilman Rosenthal asked how many hand-held e-ticket writers will be available. Sgt. Kelley reported that a total of 6 hand-held mobile devices will be purchased for rotation and charging.

Mayor Pro Tem Kiel asked Chief Pruitt if the hand-held device will increase patrol time and how many tickets are issued. Chief Pruitt reported that police officers currently using the e-citation device report they can complete a citation in 2 ½ minutes, thereby improving patrol availability time. The police department currently averages approximately 1,500 citations issued on a monthly basis including parking, warning, and court citations.

A motion for approval was made by Mayor Pro Tem Kiel. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

Item # 16 Mayor Cooper read the following caption.

ORDINANCE NO. 1831

AN ORDINANCE AMENDING ARTICLE III., SEC. 19 (C-F) OF THE CHAPTER 19 WATER AND SEWERS OF THE CODE OF ORDINANCES TO AMEND NOTIFICATION AND DECLARATION PROCEDURES, MODIFY ENFORCEMENT PROCEDURES AND GRANT THE PUBLIC WORKS DIRECTOR THE AUTHORITY TO APPROVE VARIANCES TO THE GROUNDWATER USE REDUCTION PROGRAM

Assistant City Manager/Public Works Director Shawn P. Eddy presented a PowerPoint regarding public notification, enforcement, approval of variances and proposed revisions. Staff recommended approval.

The code will be amended to include enforcement by regular mail and a citation may be issued by the Police department for the second or additional violation(s). Since the declaration of the most recent water stage restrictions, staff has received requests from citizens requesting a variance to the water stage restrictions as permitted in the City Code. Currently, the City Council approves such variances. The proposed amendment would authorize the Public Works Director to approve the variances. Variances are usually requested for new landscaping and this allows a quick response from the Public Works Director rather than waiting for the next scheduled City Council meeting for presentation to the City Council.

Councilwoman Harwell noted that during the Infrastructure and Services Committee meeting, there was discussion about whether or not the City's policies should mirror the San Antonio Water System (SAWS). Mayor Pro Tem Kiel noted that the City of Alamo Heights policies are very similar to, but, not exactly the same as SAWS, and the City needs to make people aware of stage restrictions.

Councilwoman Harwell suggested the City provide a flyer that is informative on the different stages and what is allowable. Mr. Eddy explained that he is working with Assistant to

City Manager/Information Technology Manager Marian Ramirez on a double-sided informational flyer that summarizes the stages and what water usage is allowed. Ms. Ramirez stated that the information will also be displayed on the City's website.

Councilwoman Souter requested the ordinance include an appeal process to the City Manager. City Attorney Mike Brennan recommended that the ordinance may be passed and adopted in the motion to include the appeal process.

A motion for approval was made by Councilwoman Souter as amended to state the appeal process in the ordinance. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

Item # 18 Presentation of Financial and Investment Report for the second quarter ending March 31, 2009

Finance Director Cynthia Barr provided an update on the general fund revenues, general fund expenditures, utility fund revenues and expenditures, investment portfolio update and summary of the city's financial position for the second quarter of the Fiscal Year.

Ms. Barr reported that permits and fees are at 36% of budget through the second quarter and down 18% from prior year. Interest on investments are low as a result of declining interest rates. The City's financial position remains strong. Ms. Barr reported that the second quarter actuals are at 50% of budget. Ms. Barr also reported the total portfolio investment summary is \$15,140,615 and earning yields are .03% to 2.23%.

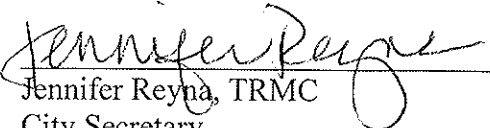
Mayor Pro Tem Kiel stated that the city is in good shape. Overall, there is a possibility to have a small short fall in revenues relative to budget but would be compensated for with lower expenditures thereby avoiding a deficit. Mayor Pro Tem Kiel acknowledged that City staff were conservative with last year's budget projections.

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A closed session was not conducted.

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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilman McCormick made a motion to adjourn, seconded by Councilwoman Souter and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 9:52 p.m.


Jennifer Reyna, TRMC
City Secretary



Bill Kiel
Mayor Pro-Tempore